



Australian Capital Territory

Crimes Legislation Amendment Act 2023

A2023-33

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Australian Capital Territory

Crimes Legislation Amendment Act 2023

A2023-33

An Act to amend legislation about crimes, and for other purposes

The Legislative Assembly for the Australian Capital Territory enacts as follows:

Part 1 Preliminary

1 Name of Act

This Act is the *Crimes Legislation Amendment Act 2023*.

2 Commencement

This Act commences on the 7th day after its notification day.

Note The naming and commencement provisions automatically commence on the notification day (see [Legislation Act](#), s 75 (1)).

3 Legislation amended

This Act amends the following legislation:

- [Crimes Act 1900](#)
- [Crimes \(Sentence Administration\) Act 2005](#)
- [Crimes \(Sentencing\) Act 2005](#)
- [Criminal Code 2002](#).

Note This Act also amends other legislation (see sch 1 and sch 2).

Part 2 Crimes Act 1900

4 Section 375

substitute

375 Summary disposal of certain cases—Magistrates Court

- (1) This section applies if a person is before the Magistrates Court charged with—
- (a) a common law offence; or
 - (b) an offence punishable by imprisonment for a term not exceeding—
 - (i) if the offence relates to money or other property—14 years; or
 - (ii) in any other case—10 years; or
 - (c) if the person is a body corporate—an offence against the *Work Health and Safety Act 2011*, section 31 (1); or
 - (d) an offence against the *Criminal Code*—
 - (i) section 310 (Aggravated robbery); or
 - (ii) section 311 (1) (b) (Burglary); or
 - (iii) section 312 (Aggravated burglary).
- Note* Under the *Criminal Code*, s 311 (1) (b), a person commits an offence if the person enters or remains in a building as a trespasser with intent to commit an offence that involves causing harm, or threatening to cause harm, to anyone in the building.
- (2) However, this section applies to a case to which section 374 applies only as mentioned in section 374 (6).

- (3) The court may proceed in accordance with subsections (5) to (13) if—
 - (a) the court considers that it has no jurisdiction, apart from this section, to hear and determine the charge summarily; and
 - (b) for a charge that relates to money, or to property other than a motor vehicle—the court considers that the amount of the money or the value of the property does not exceed \$30 000.
- (4) To remove any doubt, for subsection (3) (b), property does not include real property or any building at which the offence charged was allegedly committed.
- (5) The court may invite the person (the *defendant*) to plead guilty or not guilty to the charge.
- (6) If the defendant pleads guilty to the charge, the court may accept or reject the plea.
- (7) The defendant is taken to have pleaded not guilty to the charge if—
 - (a) the defendant does not plead to the charge when invited to do so under subsection (5); or
 - (b) the court rejects a plea of guilty to the charge under subsection (6).
- (8) When the court is satisfied the case is ready to be listed for hearing, the court must ask the defendant whether the defendant consents to the case being disposed of summarily.
- (9) The court may hear and determine the charge summarily, and may sentence or otherwise deal with the defendant according to law, if—
 - (a) the defendant pleads, or is to be taken to have pleaded, not guilty to the charge; and
 - (b) the court considers that the case can properly be disposed of summarily; and

- (c) the defendant consented to the case being disposed of summarily and the consent has not been withdrawn under section 375A; and
 - (d) if the charge is for an offence against the [Criminal Code](#), section 310 or section 312—the prosecutor also consents to the case being disposed of summarily.
- (10) The court may sentence or otherwise deal with the defendant if—
- (a) the court accepts a plea of guilty to a charge; and
 - (b) the court considers that the case can properly be disposed of summarily; and
 - (c) the defendant consented to the case being disposed of summarily and the consent has not been withdrawn under section 375A; and
 - (d) if the charge is for an offence against the [Criminal Code](#), section 310 or section 312—the prosecutor also consents to the case being disposed of summarily.
- (11) Before the court decides whether a case can properly be disposed of summarily, the court must consider the following:
- (a) any relevant representations made by the defendant;
 - (b) any relevant representations made by the prosecutor in the defendant's presence;
 - (c) whether, if the defendant were found guilty or the defendant's plea of guilty has been accepted by the court, the court is empowered under this section to impose an adequate penalty, taking into account the circumstances and the degree of seriousness of the case;
 - (d) any other circumstances that appear to the court to make it more appropriate for the case to be dealt with on indictment rather than summarily.

- (12) If the court accepts a plea of guilty to a charge under this section, and—
- (a) the court considers that the case cannot properly be disposed of summarily; or
 - (b) the defendant's consent to the case being disposed of summarily has been withdrawn under section 375A;
- the *Magistrates Court Act 1930*, section 90A (7) to (13) (Plea of guilty at committal hearing) applies in relation to the defendant as if the court had accepted a plea of guilty to the charge under that section.
- (13) If the court disposes of a case summarily under this section and convicts the defendant of the offence, the court must not impose a penalty that exceeds—
- (a) a fine of \$15 000, imprisonment for 5 years or both; or
 - (b) if the maximum penalty provided for the offence by the law creating it is less than the penalty mentioned in paragraph (a)—the maximum penalty.
- (14) In this section:
- Magistrates Court* does not include the Childrens Court.

375AA Summary disposal of certain cases—Childrens Court

- (1) This section applies if a person is before the Childrens Court charged with any offence other than an offence punishable by imprisonment for life.
- (2) However, this section applies to a case to which section 374 applies only as mentioned in section 374 (6).
- (3) The court may proceed in accordance with subsections (4) to (12) if the court considers that it has no jurisdiction, apart from this section, to hear and determine the charge summarily.

- (4) The court may invite the person (the *defendant*) to plead guilty or not guilty to the charge.
- (5) If the defendant pleads guilty to the charge, the court may accept or reject the plea.
- (6) The defendant is taken to have pleaded not guilty to the charge if—
 - (a) the defendant does not plead to the charge when invited to do so under subsection (4); or
 - (b) the court rejects a plea of guilty to the charge under subsection (5).
- (7) When the court is satisfied the case is ready to be listed for hearing, the court must ask the defendant whether the defendant consents to the case being disposed of summarily.
- (8) The court may hear and determine the charge summarily, and may sentence or otherwise deal with the defendant according to law, if—
 - (a) the defendant pleads, or is to be taken to have pleaded, not guilty to the charge; and
 - (b) the court considers that the case can properly be disposed of summarily; and
 - (c) the defendant consented to the case being disposed of summarily and the consent has not been withdrawn under section 375A.
- (9) The court may sentence or otherwise deal with the defendant if—
 - (a) the court accepts a plea of guilty to a charge; and
 - (b) the court considers that the case can properly be disposed of summarily; and
 - (c) the defendant consented to the case being disposed of summarily and the consent has not been withdrawn under section 375A.

- (10) Before the court decides whether a case can properly be disposed of summarily, the court must consider the following:
- (a) any relevant representations made by the defendant;
 - (b) any relevant representations made by the prosecutor in the defendant's presence;
 - (c) the facts of the case;
 - (d) the seriousness of the alleged offence;
 - (e) the circumstances in which the offence is alleged to have been committed;
 - (f) the defendant's age;
 - (g) the defendant's apparent maturity;
 - (h) the defendant's apparent mental capacity;
 - (i) the suitability of the penalties that the court is empowered to impose;
 - (j) the difficulty of any question of law that is likely to arise.
- (11) If the court accepts a plea of guilty to a charge under this section, and—
- (a) the court considers that the case cannot properly be disposed of summarily; or
 - (b) the defendant's consent to the case being disposed of summarily has been withdrawn under section 375A;

the *Magistrates Court Act 1930*, section 90A (7) to (13) (Plea of guilty at committal hearing) applies in relation to the defendant as if the court had accepted a plea of guilty to the charge under that section.

- (12) If the court disposes of a case summarily under this section and convicts the defendant of the offence, the court must not impose a penalty that exceeds—
- (a) a fine of \$5 000, imprisonment for 2 years or both; or
 - (b) if the maximum penalty provided for the offence by the law creating it is less than the penalty mentioned in paragraph (a)—the maximum penalty.

Part 3 Crimes (Sentence Administration) Act 2005

5 Registrar to send penalty notice Section 116C (3) (e)

omit

address, and any change of address

substitute

contact details, and any change of contact details

6 Section 116D heading

substitute

116D Offender to give registrar contact details

7 Section 116D (1)

omit

details of his or her home address and postal address

substitute

their contact details

8 Section 116D (2)

omit

his or her home address or postal address before the fine and any relevant administrative fee are paid must give the registrar details of the new address

substitute

their contact details before the fine and any relevant administrative fee are paid must give the registrar their new contact details

9 Section 116D (3)

omit

his or her home address and postal address

substitute

their contact details

10 New section 116D (4) and (5)

insert

- (4) Subsections (1), (2) and (3) do not apply if the person has a reasonable excuse.

Note The defendant has an evidential burden in relation to the matters mentioned in s (4) (see [Criminal Code](#), s 58).

- (5) In this section:

contact details, for an offender, means the following details:

- (a) home address;
- (b) postal address;
- (c) email address (if any);
- (d) home phone number (if any);
- (e) mobile phone number (if any).

11 Section 116E heading

substitute

116E Registrar may ask other people for offender's contact details

12 Section 116E (1)

omit

details held by the person about an address of

substitute

contact details that they hold for

13 Section 116E (3), new definition of *contact details*

insert

contact details, for an offender—see section 116D (5).

**14 Default notice
New section 116H (3)**

insert

(3) The default notice must be sent to the fine defaulter's last-known postal address or email address.

**15 Form of default notice
Section 116I (1) (e)**

omit

address

substitute

contact details

16 **Reminder notice**
Section 116J (2)

omit

last known address

substitute

last-known postal address or email address

17 **Sharing information**
Section 116ZT, example

omit

details of fine defaulter's address

substitute

contact details of a fine defaulter

Part 4 Crimes (Sentencing) Act 2005

18 Assessment of suitability—intensive correction order Table 46D, item 7

substitute

7	living circumstances of the offender	<p>member of the offender’s household does not consent to living with the offender while the offender is serving intensive correction</p> <p>someone with parental responsibility or guardianship for a person who is a member of the offender’s household does not consent to the person living with the offender while the offender is serving intensive correction</p> <p>residence outside the ACT may make administration of an intensive correction order, or the offender’s compliance with an intensive correction order, impracticable</p>
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Part 5 Criminal Code 2002

19 New part 7A.1 heading

insert

Part 7A.1 Serious vilification

20 New parts 7A.2 and 7A.3

insert

Part 7A.2 Public display of Nazi symbols

751 Meaning of *Nazi symbol*—pt 7A.2

- (1) In this part:

Nazi symbol means—

- (a) a Hakenkreuz; or
- (b) a symbol that so nearly resembles a Hakenkreuz that it is likely to be confused with or mistaken for a Hakenkreuz.

Example—par (b)

a cross with the arms bent at right angles in a counter-clockwise direction

- (2) In this section:

Hakenkreuz means a symbol of a cross with the arms bent at right angles in a clockwise direction.

752 Public display of Nazi symbols

- (1) A person commits an offence if—
- (a) the person displays a Nazi symbol; and
 - (b) the person knows, or ought reasonably to know, that the symbol is associated with Nazi ideology; and
 - (c) the display is other than in private.

Examples—other than in private

- 1 displaying the symbol at an event that is open to the public, even if privately organised
- 2 including the symbol in a publicly viewable post on social media
- 3 displaying the symbol during a video-recorded interview that is intended to be broadcast
- 4 wearing the symbol on a piece of clothing in a public place, or within sight of a person who is in a public place

Maximum penalty: 120 penalty units, imprisonment for 12 months or both.

- (2) Subsection (1) does not apply to a person if—
- (a) the Nazi symbol is displayed on the person's body by means of tattooing or similar process; or
 - (b) the person displayed the symbol reasonably and in good faith—
 - (i) for a genuine academic, artistic, religious or scientific purpose; or

Examples

- 1 a person of Hindu faith displays a swastika in the front window of the person's shop as a symbol of good luck
- 2 a person of Jain faith draws a swastika on the person's new vehicle before using it as a symbol of good fortune
- 3 a person of Buddhist faith displays a sculpture of Buddha with a swastika on the chest, as a symbol of auspiciousness, at a Buddhist temple

- (ii) for a genuine cultural or educational purpose; or

Examples

- 1 the floor of a shop is patterned with swastikas in the hope of bringing prosperity
- 2 a member of the Hindu community wears a T-shirt in public with a swastika on the front as a symbol of peace
- 3 a bookshop displays for sale an educational textbook on World War II, which has a Hakenkreuz on the cover

- (iii) in making or publishing a fair and accurate report of an event or matter of public interest; or

- (iv) in opposition to fascism, Nazism, neo-Nazism or other related ideologies.

Examples

- 1 a person who displays a flag of Nazi Germany with a marking through it to signal the person's opposition to Nazism
- 2 a person participating in a protest who displays a Nazi symbol on a placard which also contains words stating opposition to fascism

Note The defendant has an evidential burden in relation to the matters mentioned in s (2) (see s 58).

- (3) A proceeding against a child for an offence against this section must not be started without the written consent of the director of public prosecutions.

- (4) In this section:

beading means the cutting of the skin of a person and the insertion of an object beneath the skin to produce a lump.

branding means the application of heat, cold or a substance to the skin of a person to produce scar tissue.

scarification means the cutting of the skin of a person to create scar tissue.

similar process includes beading, branding and scarification.

753 Direction to remove Nazi symbol from public display

- (1) A police officer may direct a person to remove a Nazi symbol from display if the police officer reasonably believes that the person is committing an offence against section 752 by displaying the Nazi symbol.
- (2) A police officer may direct a person to remove a Nazi symbol from display at premises if—
 - (a) the person is the owner or occupier of the premises; and
 - (b) the police officer reasonably believes that an offence is being committed against section 752 by the display of the Nazi symbol.
- (3) A direction under this section—
 - (a) may be given orally or in writing; and
 - (b) must state when the direction must be complied with.
- (4) If the direction cannot be given in person, a police officer may leave a written direction—
 - (a) at the premises where the Nazi symbol is being displayed; or
 - (b) if the display is in or on a vehicle—by attaching or placing the direction on the vehicle in a conspicuous place.
- (5) A person must comply with a direction given to the person under this section.

Maximum penalty: 10 penalty units.

- (6) Subsection (5) does not apply if the person has a reasonable excuse.

Note The defendant has an evidential burden in relation to the matters mentioned in s (6) (see s 58).

Part 7A.3 Other offences

754 Unauthorised entry of motor vehicle

- (1) A person commits an offence if—
 - (a) the person enters a motor vehicle; and
 - (b) the vehicle belongs to someone else; and
 - (c) the person does not have consent to enter the vehicle from a person to whom the vehicle belongs.

Maximum penalty: 10 penalty units.

- (2) This section does not apply if the person has a reasonable excuse.
- (3) In this section:

belongs—see section 301.

enter a motor vehicle—a person *enters* a motor vehicle if the person puts any part of their body into any part of the motor vehicle.

21 Dictionary, notes 1 and 2

substitute

Note The [Legislation Act](#) contains definitions relevant to this Act. For example:

- Act
- ACT
- child
- contravene
- corporation
- director of public prosecutions
- found guilty (of an offence)
- function
- indictable offence (see s 190)
- person

- proceeding
- provision
- public trustee and guardian
- statutory declaration
- subordinate law
- summary offence (see s 190).

22 Dictionary, new definition of *Nazi symbol*

insert

Nazi symbol, for part 7A.2 (Public display of Nazi symbols)—see section 751.

Schedule 1 Consequential amendments

(see s 3)

Part 1.1 Australian Crime Commission (ACT) Act 2003

[1.1] Section 5, new note

insert

Note 3 Crimes Act

The *Crimes Act 1900*, s 375 and s 375AA provide for the summary disposal of certain cases.

[1.2] Section 23 (5) etc

omit the note in

- section 23 (5)
- section 26 (1)
- section 26 (3)
- section 26 (5)
- section 28 (1)
- section 49

Part 1.2 Crimes Act 1900

[1.3] Section 374 (6)

substitute

- (6) If the prosecutor does not elect to have the case disposed of summarily within the time required under subsection (5), the court must deal with the charge in accordance with—

- (a) section 375 (5) to (13); or

- (b) if the matter is being heard in the Childrens Court—
section 375AA (4) to (12).

[1.4] Section 375A (1)

substitute

- (1) A defendant's consent to summary disposal of a case can be withdrawn only if—
- (a) for consent under section 375 (8)—the Magistrates Court grants leave under this section; or
 - (b) for consent under section 375AA (7)—the Childrens Court grants leave under this section.

[1.5] Section 377

omit

If the Magistrates Court has heard and determined a charge under section 374 or section 375

substitute

If a court has heard and determined a charge under section 374, section 375 or section 375AA

[1.6] Section 378 (1)

omit

section 374 or section 375

substitute

section 374, section 375 or section 375AA,

[1.7] Section 378 (2)

omit

by the Magistrates Court of an information heard and determined by the court under section 374 or section 375

substitute

by a court of an information heard and determined by the court under section 374, section 375 or section 375AA

Part 1.3 Magistrates Court Act 1930

[1.8] Section 90A (2) and (7) (b) (v)

omit

section 374 or section 375

substitute

section 374, section 375 or section 375AA

[1.9] Section 208 (1) (b) to (d)

substitute

(b) an appeal, by the person convicted, from a conviction for an offence dealt with by the Magistrates Court, or the Childrens Court, under—

(i) part 3.6 (Proceedings for offences punishable summarily);
or

(ii) part 3.7 (Service and pleading by post for certain offences); or

(iii) the [Crimes Act](#)—

(A) section 374 (Summary disposal of certain cases at prosecutor's election); or

- (B) section 375 (Summary disposal of certain cases—Magistrates Court); or
- (C) section 375AA (Summary disposal of certain cases—Childrens Court);
- (c) an appeal, by the person against whom the order is made, from an order made under section 113 or section 114, in a proceeding dealt with under—
 - (i) part 3.6; or
 - (ii) the [Crimes Act](#), section 374, section 375 or section 375AA;
- (d) an appeal from a sentence or penalty by a person convicted of an offence dealt with under any of the following (whether or not the person appeals against the conviction in relation to which the sentence or penalty was imposed):
 - (i) section 90A, part 3.6 or part 3.7;
 - (ii) the [Crimes Act](#), section 374, section 375 or section 375AA;

[1.10] Section 208 (1) (e), note

omit

[1.11] Section 219B

substitute

219B Decisions subject to review appeal

- (1) Each of the following is a decision of the Magistrates Court, or the Childrens Court, from which an appeal by way of review (a *review appeal*) may be made in accordance with this division:

- (a) an order dismissing an information dealt with under—
 - (i) part 3.6 (Proceedings for offences punishable summarily);
or
 - (ii) part 3.7 (Service and pleading by post for certain offences); or
 - (iii) the [Crimes Act](#)—
 - (A) section 374 (Summary disposal of certain cases at prosecutor’s election); or
 - (B) section 375 (Summary disposal of certain cases—Magistrates Court); or
 - (C) section 375AA (Summary disposal of certain cases—Childrens Court);
- (b) a conviction for an offence dealt with under—
 - (i) part 3.6 or part 3.7; or
 - (ii) the [Crimes Act](#), section 374, section 375 or section 375AA;
- (c) an order made under section 113 or section 114, in a proceeding dealt with under—
 - (i) part 3.6; or
 - (ii) the [Crimes Act](#), section 374, section 375 or section 375AA;
- (d) a decision not to commit a person to the Supreme Court for sentence under section 92A (Committal for sentence for indictable offence tried summarily);
- (e) a decision to dispose of a case summarily under the [Crimes Act](#), section 374, section 375 or section 375AA;

- (f) a sentence or penalty imposed for an offence dealt with under—
 - (i) section 90A, part 3.6 or part 3.7; or
 - (ii) the [Crimes Act](#), section 374, section 375 or section 375AA.

- (2) In subsection (1) (f):

sentence or penalty includes a sentence or penalty imposed by an order under—

- (a) any of the following provisions of the [Crimes \(Sentencing\) Act 2005](#):
 - (i) part 3.2 (Sentences of imprisonment);
 - (ii) part 3.3 (Non-custodial sentences);
 - (iii) part 3.4 (Non-association and place restriction orders);
 - (iv) part 3.5 (Deferred sentence orders);
 - (v) part 3.6 (Combination sentences); or
- (b) the [Crimes \(Sentence Administration\) Act 2005](#), part 6.6 (Good behaviour orders—amendment and discharge).

[1.12] Section 288 (2)

substitute

- (2) Subsection (1) (b) is subject to the [Crimes Act 1900](#)—
 - (a) section 374 (Summary disposal of certain cases at prosecutor’s election); and
 - (b) section 375AA (Summary disposal of certain cases—Childrens Court).

[1.13] Section 291K (2)

substitute

- (2) Subsection (1) (b) is subject to the *Crimes Act 1900*—
- (a) section 374 (Summary disposal of certain cases at prosecutor’s election); and
 - (b) section 375 (Summary disposal of certain cases—Magistrates Court).

[1.14] Section 291Q (3)

substitute

- (3) Subsection (2) (b) is subject to the *Crimes Act 1900*—
- (a) section 374 (Summary disposal of certain cases at prosecutor’s election); and
 - (b) section 375 (Summary disposal of certain cases—Magistrates Court).

Schedule 2 Technical amendments

(see s 3)

Part 2.1 Australian Crime Commission (ACT) Act 2003

[2.1] Section 9 (2)

omit

section 55A (3) (Operation of State laws—investigation of offences against State laws)

substitute

section 55A (3) (Operation of State laws)

Explanatory note

This amendment updates a cross-reference because of amendments made to the [Australian Crime Commission Act 2002](#) (Cwlth) by the [Australian Crime Commission Amendment \(National Policing Information\) Act 2016](#) (Cwlth).

[2.2] Section 38 (1), definition of *federal judicial officer*

substitute

federal judicial officer means—

- (a) a judge of the Federal Court; or
- (b) a judge of the Federal Circuit and Family Court of Australia (Division 2).

Explanatory note

This amendment updates a reference because of amendments to the [Federal Magistrates Act 1999](#) (Cwlth) by the [Federal Circuit Court of Australia Legislation Amendment Act 2012](#) (Cwlth), and the enactment of the [Federal Circuit and Family Court of Australia Act 2021](#) (Cwlth).

[2.3] Dictionary, definition of *Commonwealth body or person*, paragraph (j)

substitute

- (j) a judge of the Federal Circuit and Family Court of Australia (Division 2).

Explanatory note

This amendment updates a reference because of amendments to the *Federal Magistrates Act 1999* (Cwlth) by the *Federal Circuit Court of Australia Legislation Amendment Act 2012* (Cwlth), and the enactment of the *Federal Circuit and Family Court of Australia Act 2021* (Cwlth).

[2.4] Dictionary, definition of *federal magistrate*

omit

Explanatory note

This amendment omits a definition that has become redundant because of amendments to the *Federal Magistrates Act 1999* (Cwlth) by the *Federal Circuit Court of Australia Legislation Amendment Act 2012* (Cwlth), and the enactment of the *Federal Circuit and Family Court of Australia Act 2021* (Cwlth).

[2.5] Dictionary, definition of *issuing officer*, paragraph (c)

substitute

- (c) a judge of the Federal Circuit and Family Court of Australia (Division 2).

Explanatory note

This amendment updates a reference because of amendments to the *Federal Magistrates Act 1999* (Cwlth) by the *Federal Circuit Court of Australia Legislation Amendment Act 2012* (Cwlth), and the enactment of the *Federal Circuit and Family Court of Australia Act 2021* (Cwlth).

[2.6] Dictionary, new definition of *judge of the Federal Circuit and Family Court of Australia (Division 2)*

insert

judge of the Federal Circuit and Family Court of Australia (Division 2) means a person holding office as a judge of the Federal Circuit and Family Court of Australia (Division 2) (including the Chief Justice, Deputy Chief Justice and a Senior Judge) under the [Federal Circuit and Family Court of Australia Act 2021](#) (Cwlth).

Explanatory note

This amendment inserts a new definition because of amendments to the [Federal Magistrates Act 1999](#) (Cwlth) by the [Federal Circuit Court of Australia Legislation Amendment Act 2012](#) (Cwlth), and the enactment of the [Federal Circuit and Family Court of Australia Act 2021](#) (Cwlth).

Part 2.2 Court Procedures Act 2004

[2.7] Section 40, definitions of *deputy sheriff* and *sheriff*

omit

section 46 (Appointment)

substitute

section 46 (Appointments)

Explanatory note

This amendment updates a cross-reference because of an amendment to the [Supreme Court Act 1933](#) by the [Justice and Community Safety Legislation Amendment Act 2016](#).

[2.8] Section 41 (2) (d) (i)

omit

(Consequential orders—ch 2);

substitute

(Consequential orders—pt 2.2);

Explanatory note

This amendment updates a cross-reference because of amendments to the *Evidence (Miscellaneous Provisions) Act 1991* by the *Royal Commission Criminal Justice Legislation Amendment Act 2018*.

[2.9] Section 72 (4), definition of *circle sentencing*

omit

section 291L

substitute

dictionary

Explanatory note

This amendment updates a cross-reference because of amendments made to the *Magistrates Court Act 1930* by the *Crimes Legislation Amendment Act 2018*.

Part 2.3 Crimes (Child Sex Offenders) Act 2005

[2.10] Section 7 (1) (d) (i), note

omit

Explanatory note

This amendment omits a note that is no longer needed because the provision it refers to has expired.

[2.11] Section 9 (2)

omit

schedule 2, part 2.2, item 14A

substitute

schedule 2, part 2.2, item 15

Explanatory note

This amendment corrects a cross reference.

[2.12] Section 59 (2), definition of *internet service provider*

substitute

internet service provider—see the [Online Safety Act 2021](#) (Cwlth), section 19 (Internet service providers).

Explanatory note

This amendment updates the definition because the [Broadcasting Services Act 1992](#) (Cwlth), schedule 5, was replaced by the [Online Safety Act 2021](#) (Cwlth). The new definition is identical to the old definition.

[2.13] Schedule 1, part 1.2, items 1 and 2

substitute

1	Criminal Code Act 1995 (Cwlth), section 270.5 (1) and section 270.8 (1) (a)	cause child to enter into or remain in servitude	the service provided is a sexual service (as defined in the Criminal Code Act 1995 (Cwlth), dictionary)
2	Criminal Code Act 1995 (Cwlth), section 270.5 (2) and section 270.8 (1) (a)	conduct a business involving child servitude	the service provided is a sexual service (as defined in the Criminal Code Act 1995 (Cwlth), dictionary)

Explanatory note

This amendment updates cross-references and language because of amendments made to the [Criminal Code Act 1995](#) (Cwlth).

[2.14] Schedule 2, part 2.2, item 1

substitute

1	<i>Criminal Code Act 1995</i> (Cwlth), section 270.7 and section 270.8 (1) (a)	deceptive recruiting for child labour or services	the service to be provided is a sexual service (as defined in the <i>Criminal Code Act 1995</i> (Cwlth), dictionary)
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Explanatory note

This amendment updates cross-references and language because of amendments made to the *Criminal Code Act 1995* (Cwlth).

[2.15] Schedule 2, part 2.2, item 3

substitute

3	<i>Criminal Code Act 1995</i> (Cwlth), section 271.7	domestic trafficking in children	
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Explanatory note

This amendment updates a cross-reference because of amendments made to the *Criminal Code Act 1995* (Cwlth). This amendment also omits unnecessary words.

[2.16] Schedule 2, part 2.2, item 12

omit

Explanatory note

This amendment omits an item that has become redundant because the section it refers to has been repealed.

[2.17] Schedule 2, part 2.2, item 14

substitute

14	<i>Criminal Code Act 1995</i> (Cwlth), section 273.7 (1)	commit offence against <i>Criminal Code Act 1995</i> (Cwlth), section 273.6 on 3 or more occasions, and involving 2 or more people	
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Explanatory note

This amendment omits a cross-reference that has become redundant because the section it refers to has been repealed, and corrects a citation.

[2.18] Schedule 2, part 2.2, items 16 and 17

omit

Explanatory note

This amendment omits items that have become redundant because the sections they refer to have been repealed.

[2.19] Schedule 2, part 2.2, item 20

substitute

20	<i>Criminal Code Act 1995</i> (Cwlth), section 471.22 (1)	commit offence against <i>Criminal Code Act 1995</i> (Cwlth), section 471.19 or 471.20 on 3 or more occasions, and involving 2 or more people	
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Explanatory note

This amendment omits cross-references that have become redundant because the sections they refer to have been repealed, and corrects a citation.

[2.20] Schedule 2, part 2.2, items 24 and 25

omit

Explanatory note

This amendment omits items that have become redundant because the sections they refer to have been repealed.

[2.21] Schedule 2, part 2.2, item 28

substitute

28	<i>Criminal Code Act 1995</i> (Cwlth), section 474.24A (1)	commit offence against <i>Criminal Code Act 1995</i> (Cwlth), section 474.22 or section 474.23 on 3 or more occasions, and involving 2 or more people	
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Explanatory note

This amendment omits cross-references that have become redundant because the sections they refer to have been repealed, and corrects a citation.

[2.22] Schedule 2, part 2.2, items 35 and 36

substitute

35	<i>Customs Act 1901</i> (Cwlth), section 233BAB (5)	import tier 2 goods	the tier 2 goods are items of child abuse material (see s 233BAB (1) (h))
36	<i>Customs Act 1901</i> (Cwlth), section 233BAB (6)	export tier 2 goods	the tier 2 goods are items of child abuse material (see s 233BAB (1) (h))

Explanatory note

This amendment updates language to reflect the change of language in the *Customs Act 1901* (Cwlth).

[2.23] Dictionary, definition of *community service order*

omit

section 13 (6)

substitute

section 13 (7)

Explanatory note

This amendment corrects a cross-reference.

[2.24] Dictionary, definition of *parole*, note

omit

Explanatory note

This amendment omits a note that is no longer needed because the provisions it refers to have expired.

[2.25] Further amendments, mentions of Criminal Code (Cwlth)

omit

[Criminal Code](#) (Cwlth)

substitute

[Criminal Code Act 1995](#) (Cwlth)

in

- schedule 1, part 1.2, items 5, 8 and 9
- schedule 2, part 2.2, items 10, 11 and 31

Explanatory note

This amendment corrects a citation.

Part 2.4 **Crimes (Sentence Administration) Act 2005**

[2.26] Section 165 (1) (c)

omit

last known

substitute

last-known

Explanatory note

This amendment corrects punctuation.

[2.27] Section 298 (8), definition of *relevant victim*, paragraph (a)

omit

views of victims

substitute

victim's views

Explanatory note

This amendment corrects a cross-reference.

[2.28] Dictionary, definition of *ACT prisoner* etc

omit

chapter 11

substitute

part 11.1

in the definitions of

- ***ACT prisoner***
- ***ACT sentence of imprisonment***
- ***arrest warrant***
- ***commonwealth sentence of imprisonment***
- ***corresponding ACT court***
- ***corresponding Minister***
- ***default imprisonment***
- ***Governor***
- ***indeterminate sentence***
- ***interstate law***
- ***interstate sentence of imprisonment***
- ***joint prisoner***
- ***non-participating territory***

Explanatory note

This amendment corrects cross-references.

[2.29] Dictionary, definition of *participating jurisdiction*

omit

chapter 11

substitute

chapter 12

Explanatory note

This amendment corrects a cross-reference.

Part 2.5 Crimes (Sentencing) Act 2005

[2.30] Section 9 (2), note 1

after 3rd dot point, insert

- drug and alcohol treatment order (see s 12A, pt 4.2B and pt 5.4A)

Explanatory note

This amendment is consequential on the insertion of s 12A, pt 4.2B and pt 5.4A by the [Sentencing \(Drug and Alcohol Treatment Orders\) Legislation Amendment Act 2019](#).

Part 2.6 Magistrates Court Act 1930

[2.31] Section 266 (a)

omit

(Complaints)

substitute

(Complaints to ACAT about utilities)

Explanatory note

This amendment updates a cross-reference because of an amendment made by the [ACT Civil and Administrative Tribunal Legislation Amendment Act 2008 \(No 2\)](#).

[2.32] Section 266A (2) (b)

omit

s 82A

substitute

section 82A

Explanatory note

This amendment substitutes language in line with current legislative drafting practice.

Part 2.7 Spent Convictions Act 2000

[2.33] Section 12 (3), note

omit

Explanatory note

This amendment omits a note that is no longer needed because the provisions it refers to have expired.

Part 2.8 Victims of Crime (Financial Assistance) Act 2016

[2.34] Dictionary, definition of *repayment amount*

omit

(Repayment of financial assistance and funeral expenses)

substitute

(Repayment of financial assistance and funeral expenses by assisted person)

Explanatory note

This amendment corrects a cross-reference.

Part 2.9 Working with Vulnerable People (Background Checking) Act 2011

[2.35] Schedule 3, part 3.2, item 52

substitute

52	Crimes Act , s 56	persistent sexual abuse of child or young person under special care	
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Explanatory note

This amendment is consequential on an amendment of the heading of the [Crimes Act 1900](#), s 56 by the [Family Violence Legislation Amendment Act 2022](#).

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 23 November 2022.

2 Notification

Notified under the [Legislation Act](#) on 6 September 2023.

3 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

I certify that the above is a true copy of the Crimes Legislation Amendment Bill 2023, which originated in the Legislative Assembly as the Crimes Legislation Amendment Bill 2022 and was passed by the Assembly on 29 August 2023.

Clerk of the Legislative Assembly

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